

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MILEKE WILLIAMS

Plaintiff,

-v.-

Civil Action No.  
9:11-cv-826 (GLS/RFT)

E. FALKOWSKI, Detective, Syracuse Police  
Department, J. BALLAGH, Detective, Syracuse  
Police Department, CITY OF SYRACUSE,  
ONONDAGA COUNTY

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

MILEKE WILLIAMS  
Plaintiff *Pro Se*  
124 Forest Ave, 1<sup>st</sup> Floor  
Syracuse, New York 13205

**FOR CITY OF SYRACUSE  
DEFENDANTS:**

City of Syracuse Corporation Counsel    AIMEE M. PAQUETTE, ESQ.  
233 East Washington Street  
Room 301 City Hall  
Syracuse, New York 13202

**FOR DEFENDANT ONONDAGA  
COUNTY:**

Onondaga County Attorney's Office    KAREN ANN BLESKOSKI, ESQ.  
John H. Mulroy Civil Center  
421 Montgomery Street, 10<sup>th</sup> Floor  
Syracuse, New York 13202

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed September 4, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed September 4, 2013 (Dkt. No. 44) is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that the Syracuse Defendants' Motion for Summary Judgment (Dkt. No. 33) is GRANTED in part and DENIED in part as follows:

1) DENIED as to Plaintiff's Fourth Amendment excessive force claims against Defendants Falkowski and Ballagh; 2) DENIED without prejudice, as to Defendants Falkowski's and Ballagh's qualified immunity defenses; 3) GRANTED as to Plaintiff's Eighth and Fourteenth Amendment excessive force, conspiracy, Monell and equal protection claims against the Syracuse

Defendants; and it is further

ORDERED, that the Defendant Onondaga County's Motion for Summary Judgment (Dkt. No. 36) is GRANTED in its entirety; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: September 26, 2013  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court